

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

DAVID BISHOP,  
*Individually and on behalf of all others similarly situated,*  
Plaintiff,

v. Civil No. 1:23-cv-01019

MAXIMUS FEDERAL SERVICES, INC.,  
Defendant.

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LINDEN BUZZELL,  
*Individually and on behalf of all others similarly situated,*  
Plaintiff,

v. Civil No. 1:23-cv-01028

MAXIMUS FEDERAL SERVICES, INC.,  
Defendant.

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CARLOS HARDING,  
*Individually and on behalf of all others similarly situated,*  
Plaintiff,

v. Civil No. 1:23-cv-01045

MAXIMUS FEDERAL SERVICES, INC.,  
Defendant.

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*(Caption continued on following page)*

CLIFFORD BEERS and WADE NUGENT,  
*Individually and on behalf of all others similarly situated,*  
Plaintiffs,

v.

Civil No. 1:23-cv-01107

MAXIMUS FEDERAL SERVICES, INC.,  
Defendant.

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LEO WILT,  
*Individually and on behalf of all others similarly situated,*  
Plaintiff,

v.

Civil No. 1:23-cv-01108

MAXIMUS FEDERAL SERVICES, INC.,  
Defendant.

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ALEXYS TAYLOR,  
*Individually and on behalf of all others similarly situated,*  
Plaintiff,

v.

Civil No. 1:23-cv-01117

MAXIMUS FEDERAL SERVICES, INC.,  
Defendant.

**ORDER**  
**(Granting Motion to Consolidate Related Actions)**

This matter comes before the Court on the Joint Motion to Consolidate Related Actions (ECF No. 11) following reassignment from the Alexandria Division (ECF No. 14). The parties jointly move the Court to consolidate six actions related to a Maximus cybersecurity incident involving the MOVEit Transfer application (“Security Incident”), along with any cases subsequently filed, transferred, or removed to this District arising out of the same facts and

circumstances as the six related cases, under the case *Bishop v. Maximus Federal Services, Inc.*, 1:23-cv-01019. The Joint Motion (ECF No. 11) is hereby GRANTED.

Federal Rule of Civil Procedure 42(a) states that “[i]f actions before the court involve a common question of law or fact, the court may . . . consolidate the actions.” Fed. R. Civ. P. 42(a). District courts have broad discretion under Rule 42 to consolidate cases pending in the same district. *R.M.S. Titanic, Inc. v. Haver*, 171 F.3d 943, 959 (4th Cir. 1999). In exercising this discretion, courts weigh “the specific risks of prejudice and possible confusion from consolidation” against the “risk of inconsistent adjudications, the burden on parties, witnesses, and available resources posed by multiple lawsuits, the length of time required to conclude multiple suits as against a single one, and the relative expense . . . .” *Campbell v. Boston Scientific Corporation*, 882 F.3d 70, 74 (4th Cir. 2018) (internal quotations omitted). Here, the Court finds that consolidation would not prejudice any party and that all factors weigh in favor of consolidation. Accordingly, it is hereby ORDERED that:

1. The Court hereby GRANTS the Motions to Consolidate in the following cases: 1:23-cv-01019 (ECF No. 11), 1:23-cv-01028 (ECF No. 17), 1:23-cv-01045 (ECF No. 22), 1:23-cv-01107 (ECF No. 9), 1:23-cv-01108 (ECF No. 7) and 1:23-cv-01117 (ECF No. 8).

2. The following actions, and any subsequent related actions filed, transferred, or removed to this District, are hereby consolidated for all purposes, including pre-trial proceedings and trial, under *Bishop v. Maximus Federal Services, Inc.*, 1:23-cv-01019, pursuant to Fed. R. Civ. P. 42(a):

<u>Case Name</u>	<u>Case Number</u>	<u>Date Filed</u>
<i>David Bishop v. Maximus Federal Services, Inc.</i>	1:23-cv-01019	August 1, 2023
<i>Linden Buzzell v. Maximus Federal Services, Inc.</i>	1:23-cv-01028	August 2, 2023

<i>Carlos Harding v. Maximus Federal Services, Inc.</i>	1:23-cv-01045	August 8, 2023
<i>Clifford Beers and Wade Nugent v. Maximus Federal Services, Inc.</i>	1:23-cv-01107	August 21, 2023
<i>Leo Wilt v. Maximus Federal Services, Inc.</i>	1:23-cv-01108	August 21, 2023
<i>Alexys Taylor v. Maximus Federal Services, Inc.</i>	1:23-cv-01117	August 23, 2023

3. Every pleading filed in the Consolidated Action, or in any separate action included herein, must bear the following caption:

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

David Bishop v. Maximus Federal Services, Inc.

Lead Case No. 1:23-cv-01019  
(DJN)

4. All papers filed in connection with the Consolidated Action will be maintained in one file under Lead Case No. 1:23-cv-01019-DJN.

5. This Order approving the parties' stipulation shall apply to each case arising out of the same or similar transactions or events as which is subsequently filed in, remanded to, or transferred to this Court. When a case which properly belongs as part of *Bishop v. Maximus Federal Services, Inc.*, Lead Case No. 1:23-cv-01019-DJN is hereafter filed in, remanded to, or transferred to this Court, counsel shall call such filing, remand, or transfer to the attention of the clerk of this Court for purposes of moving the Court for an order consolidating such case(s). Counsel for the parties will assist in assuring that counsel for the parties in subsequent action(s) receive notice of this Order.

6. This Order is without prejudice to any and all rights and defenses which the defendants may assert in this or any of the above-referenced actions and without

prejudice to any and all claims plaintiffs may assert.

7. Pursuant to Rule 23(g)(3), leadership applications for interim class counsel shall be filed by Wednesday, September 13, 2023.

8. A Consolidated Amended Complaint shall be filed within twenty-one (21) calendar days from the appointment of interim class counsel, and Maximus Defendants' response shall be filed within thirty (30) calendar days from the filing of the Consolidated Amended Complaint.


9. The Court advises the parties that it does not utilize Local Civil Rule 7(e). Accordingly, motions will be adjudicated without argument unless the Court determines that oral argument would be useful.

10. The Court will handle all motions filed in the instant matter. The Magistrate Judge will only handle any settlement efforts.

11. Defendants need not respond to the complaints filed in the related actions or any other complaint now pending before, or later filed in, remanded to, or transferred to, this Court which arises out of the same or similar facts and allegations as contained in the related actions.

The Clerk is directed to send a copy of this Order to all counsel of record and to file this Order in each of the related actions.

It is so ORDERED.

/s/   
David J. Novak  
United States District Judge

Richmond, Virginia  
Date: September 6, 2023